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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,999	09/12/2000	Masahiro Umeshita	SOHSH8.001AUS	6327

20995 7590 12/02/2003

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EXAMINER

LEON, EDWIN A

ART UNIT	PAPER NUMBER
2833	

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/659,999

Applicant(s)

UMESHITA ET AL.

Examiner

Edwin A. León

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-- Th MAILING DATE of this communication app ars on the cover she t with the correspond nc addr ss --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003 and 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and Request Continued Examination filed September 24, 2003 and November 3, 2003 in which Claims 1 and 3 have been amended, have been place of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urani (U.S. Patent 4,391,485) in view of Bixler et al. (U.S. Patent No. 5,118,306). With regard to Claim 1, Urani discloses a fuse connection box (10) comprising a fuse (16) and a housing (12), the housing (12) being divided into a first side housing (14) in which a first side terminal (38) of an end of a first side wire (18) is assembled, and a second side housing (14) in which a second side terminal (38) attached to an end of a second side wire (18) is assembled, the first side housing (14) and second side housing (14) having portions (22,24,26,32,34,36) for engagement with each other, and the first side housing

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(14) and second side housing (14) being engaged to form a single housing (12) in which the fuse (16) can be attached, at least a large majority of the connection end (exposed end of the wire (18), which is attached to (60)) of the first side wire (18) being enclosed within first side housing (14) and at least a large majority of the connection end (exposed end of the wire (18), which is attached to (60)) of the second side wire (18) being enclosed within second side housing (14). See Figs. 1-4.

However, Urani doesn't show the first and second housings being pre-assembled with the first and second wires.

Bixler et al. discloses the concept of having first and second members (22a-b) being pre-assembled with first and second wires (40). See Figs. 1-7.

Therefore, it would have been obvious to one with ordinary skill in the art to modify the housings of Urani by pre-assembling them with first and second wires as taught in Bixler et al. in order to simplify the assembling process and make it more efficient.

With regard to Claim 2, Urani discloses the first side housing (14) and the second side housing (14) are of identical shapes having first engagement portions (22,24,26) at one end in the direction of arrangement of fuses (16) and having second engagement portions (32,34,36) of shapes engaging with the first engagement portions (22,24,26) at the other end. See Figs. 1-4.

4. Claims 3-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urani (U.S. Patent 4,391,485) in view of Bixler et al. (U.S. Patent No. 4,560,227) and Call (U.S. Patent 4,758,184). With regard to Claims 3-6 and 8, the combination of

Urani and Bixler et al. disclose the claimed invention, as shown above, except for a protective cover having a protective frame.

Call discloses a fuse connection box (10) comprising a protective cover (20) having a protective frame (23) attached to a first side housing (42) and second side housing (40) so as to cover a fuse (52) in a state where the first side housing (42) and the second side housing (42) are connected and the fuse (52) attached. See Figs. 1-5.

Thus, it would have been obvious to one with ordinary skill in the art to modify the connection box of Urani and Bixler et al. by including a protective cover having a frame as taught in Call to make the box resistant to vibration and rough use.

Response to Arguments

5. Applicant's arguments filed September 24, 2003, 2003 have been fully considered but they are not persuasive. In response to Applicant's arguments regarding Claims 1 and 3 that the Bixler et al. reference does not show at least a large majority of the connection end of the first side wire being enclosed within first side housing and at least a large majority of the connection end of the second side wire being enclosed within second side housing, Applicant is reminded that the Bixler reference is only used to teach that is well known in the art to have first and second housings being pre-assembled with the first and second wires. However, the Urani reference clearly discloses at least a large majority of the connection end (exposed end of the wire (18), which is attached to (60)) of the first side wire (18) being enclosed within first side

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housing (14) and at least a large majority of the connection end (exposed end of the wire (18), which is attached to (60)) of the second side wire (18) being enclosed within second side housing (14).

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, In this case, it is the Examiner's opinion that one with ordinary skill in the art would find obvious to modify the housings of Urani by pre-assembling them with first and second wires as taught in Bixler et al. in order to simplify the assembling process and make it more efficient.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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In response to Applicant's arguments regarding Claim 3 that the Call reference does not show a protective cover attached to both the first and second housing, Applicant is reminded that the combination of the Urani, Bixter et al. and Call references is the one that would meet Applicant's claims. It is the Examiner's opinion that one with ordinary skill in the art would find obvious to modify the connection box of Urani and Bixler et al. by including a protective cover having a frame as taught in Call to make the box resistant to vibration and rough use.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (703) 308-6253. The examiner can normally be reached on Monday - Friday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Edwin A. Leon
AU 2833
EAL
November 28, 2003

